



## U.S. DEPARTMENT of STATE

### Ireland

#### Country Reports on Human Rights Practices - [2003](#)

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Ireland is a parliamentary democracy with an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, and a directly elected president. Parliamentary elections were last held in May 2002; a presidential election was last held in November 1997. The judiciary is independent.

The national police (Garda Siochana) have primary responsibility for internal security; the army acted in their support when necessary. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country, with a population of 3.92 million, had an open, market-based economy that was highly dependent on international trade. The gross national product increased by approximately 2.5 percent, and the inflation rate was approximately 3.1 percent.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Abuse and mistreatment of children were problems. There were incidents of violence against racial minorities and immigrants, and some discrimination against asylum seekers and Travellers.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

In December, the Government published the report of the independent reviewer, retired Canadian Supreme Court Judge, Mr. Justice Peter Corry, concerning allegations of collusion between British and Irish security forces and paramilitaries in six cases in Northern Ireland. Two of the cases related to allegations of collusion by the Garda Siochana. Judge Corry concluded that in one case, involving the 1989 paramilitary killing of two Royal Ulster Constabulary officers in Northern Ireland, the evidence could be found to constitute collusion. He recommended that the matter be further examined by an independent public inquiry, and the Government undertook to conduct such an inquiry.

In August, the Special Criminal Court convicted Michael McKevitt of membership in an illegal organization and of directing terrorism; McKevitt was the first person to be convicted on this charge (see Section 1.e.).

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were reports of abuse by police officers.

The European Committee for the Prevention of Torture (CPT) reported that some interviewed prisoners complained of being physically abused. The Garda Complaints Board recorded 1,405 complaints (ranging from rudeness to physical abuse by police officers) in 2002.

There were incidents in several communities of violence against racial minorities and immigrants (see Section 5).

Prison conditions generally met international standards. The Inspectorate of Prisons' annual report for 2002-2003, released in July, reported that work and sanitation conditions remain poor and in need of major improvement.

The Justice Department reported no allegations of mistreatment of prisoners by the Prison Service; however, the CPT stated that prisoners appeared to have little confidence in the complaints system. A CPT report on prison conditions, released in September and based on prison visits in 2002, noted improvements regarding police and the prison system but stated that conditions could be improved. According to the report, some prisoners claimed abuse by Garda during arrest and while in prison, including blows with batons and kicks to the body; doctors with the delegation found some evidence consistent with these claims. The Government responded that it is continually trying to improve Garda training to reduce instances of ill-treatment of prisoners.

The Report also stated that living conditions for mental health establishments continued to need improvement, although the Government made progress in upgrading conditions. Human rights groups continued to condemn the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities, because of understaffing and poor infrastructure. The Government created, but has not yet implemented, a program to add observation cells and remove padded cells at the hospital.

Male prisoners were held separately from female prisoners, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. The authorities continued to arrest and incarcerate at Portlaoise Prison persons involved in paramilitary activity. Conditions for these inmates were generally the same as those for the general prison population.

The Government permitted prison visits by domestic and international human rights observers in most cases; however, appointments were necessary to tour facilities. In December 2002, the Prison Service refused prison access to a nongovernmental organization (NGO) planning to conduct a study on racism, on the grounds that it had already funded a similar study. During the year, the Prison Service agreed in principle to allow the NGO access to prisons subject to the approval of the Government Research Ethics Committee (a committee mandated to protect prisoners from exploitation).

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits depriving any person of personal liberty without due process under the law; however, the use of special arrest and detention authority continued, primarily for those involved in paramilitary organizations.

The national police (Garda Siochana) have primary responsibility for internal security but are generally an unarmed force; therefore, the army, under the effective civilian control of the Minister for Defense, acted in support of the police when necessary. The Government continued to monitor closely indigenous paramilitary groups active in the Republic and Northern Ireland.

A detainee may petition the High Court, which is required to order the detainee's release unless it can be shown that the detention is in accordance with the law. The Criminal Justice Act provides for an initial period of detention of 6 hours. In cases where there are grounds for believing that longer detention is necessary for the proper investigation of an offense, an extension of another 6 hours is possible at the direction of a police officer of the rank of superintendent or above. A continuation of detention for 8 hours overnight is possible, to allow a detainee to sleep.

The Offenses Against the State Act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense"--crimes involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the State," its application is not restricted to subversive offenses. As a result, the police have broad arrest and detention powers in any case involving firearms. In cases covered by this act, the initial period of detention without charge is 24 hours at the direction of a police superintendent, and detention may be extended another 24 hours by a judge. The Decommissioning Law prohibits authorities from instituting proceedings against individuals for any offense committed in the course of decommissioning illegally held arms in

accordance with the Good Friday Agreement and the Northern Ireland peace process. Detainees and prisoners are allowed unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one; if the detainee cannot afford an attorney, the Government will provide one through the Free Legal Aid program.

The law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of 5 years' imprisonment or more) when it is considered reasonably necessary to prevent the commission of another serious offense.

The Offenses Against the State Act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State;" however, this power has not been invoked since the late 1950s.

The Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

The Constitution prohibits forced exile, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of district courts with 23 districts, circuit courts with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. For indigent defendants, the State assumes the cost of providing counsel under the criminal legal aid scheme.

The Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." A non-jury "Special Criminal Court" (SCC) tries "scheduled offenses." The SCC was created in 1972 largely in reaction to paramilitary violence and intended to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. In 2002, the SCC indicted 22 persons and held 13 trials; 9 individuals were convicted on guilty pleas, 10 were convicted on not guilty pleas, and 3 were found not guilty.

In addition to scheduled offenses, the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC by certifying that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace. The SCC always sits as a three-judge panel, and its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts; however, the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. SCC sessions generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

In August, the SCC convicted Michael McKevitt, suspected leader of the "Real IRA," to concurrent sentences of 20 years for directing terrorism and 6 years for membership in an illegal organization. McKevitt's conviction was based primarily on the testimony of a paid informant and corroboration by the Garda and two foreign security services. Based on this testimony, the SCC concluded "beyond a reasonable doubt" to uphold charges that McKevitt was a member of a terrorist organization and that he directed terrorism. McKevitt's appeal was pending at year's end (see Section 1.a.).

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech, and the Government generally respected this right in practice.

The Constitution provides for freedom of the press; however, this right is subject to the constitutional qualification that it not "undermine public order or morality or the authority of the state." The Constitution prohibits the publication or utterance of "blasphemous, seditious, or indecent matter."

The independent press was active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly state controlled, but private sector broadcasting continued to grow. There were 49 independent radio stations and an independent television station. Expanded access to cable and satellite television lessened considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter "likely to promote or incite to crime or which would tend to undermine the authority of the State." The Act was not employed during the year.

Books and periodicals also were subject to censorship by the Censorship of Publication Board. The Board did not censor any books; however, as of December 1, it had censored nine magazines for containing pornographic material. The Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also may examine books (but not periodicals) on its own initiative. The board may prohibit the sale of any publication that it judges to be indecent or obscene or that advocates the procurement of abortion or miscarriage. The ruling may be appealed at any time to The Censorship of Publications Appeal Board.

While the press operated freely, some observers believed that the Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) may result in some self-censorship.

The Office of the Film Censor must classify films and videos before they can be shown or sold. The Censorship of Films Act authorizes the censor to cut or ban any film that is "indecent, obscene, or blasphemous," or which tends to "inculcate principles contrary to public morality or subversive of public morality." Decisions of the censor may be appealed to a nine-member appeal board within 6 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions. The Film Censor banned one film because of violence, nudity, and drug references; however, the film company won the subsequent appeal. The Film Censor banned 16 videos, primarily because of their pornographic or violent content.

Internet access was available and unrestricted. An Internet Advisory Board supervised self-regulation by Internet service providers and operated a hotline for complaints about any Irish-hosted child pornography sites on the Internet.

The Government did not restrict academic freedom.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to "assemble peaceably and without arms"; however, it also allows the State to "prevent or control meetings" that are calculated to breach the peace or to be a danger or nuisance to the general public. It is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization; however, the Government allowed meetings and assemblies by some political groups that have been associated with illegal terrorist organizations.

Police conduct during demonstrations generally was restrained; however, the trial of seven Gardai accused of using their batons excessively during a 2002 May Day demonstration in Dublin remained pending at year's end.

The Constitution provides citizens with the right to form associations and unions; however, the law mandates the prosecution and incarceration of persons for mere membership in a terrorist organization. Nevertheless, the

Government permitted some groups associated with illegal terrorist organizations to meet.

Membership in or leadership of an illegal organization as defined by the Offenses Against the State Act carries a possible life sentence. The testimony of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in the commission of a serious offense carries a penalty of up to 10 years' imprisonment, a fine, or both. Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment, a fine, or both.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution prohibits promotion of one religion over another and discrimination on the grounds of religion or belief, and the Government did not restrict the teaching or practice of any faith.

While approximately 88 percent of the population is Roman Catholic, the Catholic Church is not recognized officially. Due to the country's history and tradition as a predominantly Catholic country and society, the majority of those in political office are Catholic, and major Catholic holidays are also national holidays.

The Government permits but does not require religious instruction in public schools. Most primary and secondary schools are denominational--the majority Catholic--and the Catholic Church partially controls their boards of management. As mandated by the Constitution, the Government provided equal funding to schools of different religious denominations (such as an Islamic school in Dublin). Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government developed specific administrative procedures for the implementation of the Convention in consultation with the U.N. High Commissioner for Refugees (UNHCR), and, pursuant to a Supreme Court ruling, these procedures are binding on the Department of Justice, Equality, and Law Reform. The 1996 Refugee Act provides for asylum procedures that are in accordance with EU guidelines and also makes provision for invited refugees under UNHCR programs. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The Government passed regulations allowing asylum-seekers, refugees, and immigrant workers the right to vote in local elections.

In January, the Supreme Court ruled that parents of Irish-born children and their non-national siblings are not entitled to reside in the country by virtue of having an Irish-born child. Thereafter, the Government stated it would no longer accept applications for residency from non-EU immigrant parents with an Irish-born child. The Government also established a unit in the Department of Justice to adjudicate the remaining 11,000 residency claims from parents of Irish-born children and anticipated adjudicating the remaining applications within a year. The Government ruled out mass deportations, stating it would decide applications and deportations on a case-by-case basis.

The number of asylum seekers entering the country declined. There were 7,483 new applications for asylum, compared with 11,598 in 2002; the Government granted asylum to 345 individuals, compared with 893 in 2002, and granted asylum on appeal to 825 persons, compared with 1,097 in 2002. The declines likely resulted in part from January's High Court ruling that immigrant parents of Irish-born children are not automatically given the right to reside in the country.

The Government also provides protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. The Garda National Immigration Bureau (GNIB) monitored non-nationals who were the subject of deportation orders. The GNIB also oversaw operations at ports of entry, coordinated efforts to combat trafficking in illegal immigrants, strengthened international liaison on immigration issues, administered the non-national registration service, and generally enforced immigration law.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. The Parliament is bicameral; members of the Dail (House of Representatives)--the chamber that carries out the main legislative functions--are elected popularly, while most members of the Seanad (Senate) are elected by vocational and university groups, with the others appointed by the Prime Minister. Several political parties have seats in both bodies. The President (head of state) is elected popularly for a 7-year term and is limited to two terms. An appointed Council of State advises the President. Parliamentary elections were held in May 2002, and presidential elections were held in October 1997.

The President was a woman, and 22 of the 166 deputies in the Dail and 10 of the 60 senators were female. Two of the 15 government ministers were female, as were 2 of the 17 junior ministers. Three women sat on the 25-member High Court, and 2 of the 8 Supreme Court judges were female.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. In March, the country's Human Rights Commission, established in 2001, launched a wide-ranging strategic plan for 2003-2006 to promote and protect human rights.

### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Employment Equality Act prohibits discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. The Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on these grounds.

#### Women

Domestic violence and emotional abuse were problems, although there were modest improvements. The Garda recorded 10,248 incidents of domestic violence in 2002. In addition to 18 rape crisis centers, there were 15 women's shelters and 13 women's centers throughout the country, funded in part by the Government. The rape crisis centers are able to provide support through immediate telephone contact and one-on-one counseling. A Voluntary Housing Capital Assistance Scheme and a Voluntary Housing Subsidy Scheme provide long- and short-term housing options for victims of sexual violence. All Garda received training on the investigation of cases of domestic violence, rape, and sexual assault. Garda also attended training lectures on causes and effects of domestic violence and techniques for interviewing victims of domestic violence.

In 2002, the Dublin Rape Crisis Center reported receiving 11,808 counseling calls in all categories (child sexual abuse, adult rape, adult sexual assault, sexual harassment), which continued an upward trend in frequency of calls. The center estimated in 2002 that 37 percent of rape victims reported the crime to police, and the conviction rate in reported domestic violence incidents was 6 percent.

The law criminalizes rape within marriage, and the Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. The Sex Offenders Act of 2001 provides that "separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience."

The law prohibits discrimination against women in the workplace and provides for protection and redress against discrimination based on gender and marital status; however, inequalities persisted regarding pay and promotions in both the public and the private sectors. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. Women constituted 49 percent of the labor force but were underrepresented in senior management positions. An Equality Authority study showed that less than half of the organizations surveyed had an equality policy in place and that only 36 percent had provided equality or diversity training. In 2002, the earnings of women averaged 85 percent that of men. As a way to combat this gender gap, the Government increased the minimum wage, created more childcare facilities, funded childcare for those in employment training, and worked through the National Framework Committee on the Development of the

Family Friendly Policies to increase flexibility in the workforce. The Government contributed \$292 million (234 million euros) to its equal opportunities childcare program during the past 4 years.

The Maternity Protection Act provides a woman with 18 weeks of paid maternity leave, an additional 8 weeks of unpaid leave, and the right to return to her job. The Parental Leave Act allows a child's mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father's leave or vice versa. Parental leave does not affect a mother's right to maternity leave.

#### Children

The Government was committed strongly to children's rights and welfare; it amply funded systems of public education and health care. Under the Child Care Act, education is free and compulsory for children from 6 to 15 years of age. Almost all children attended school. According to the Department of Education, approximately 99 percent of children between the ages of 5 and 16 attend school. Most children complete secondary education. The Minister of State for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The Status of Children Act provides for equal rights for children in all legal proceedings. In December, an Ombudsman for Children was established. The Ombudsman may investigate complaints from children or people acting on their behalf against various governmental and non-governmental bodies. Where the Ombudsman finds in favor of the child, the offending body must state how it will rectify the problem and ensure that it does not recur. The Ombudsman also has a role in promoting general child welfare.

The sexual abuse of children was a problem and continued to receive significant media attention. The Laffoy Commission, established in 2000 to investigate sexual and physical abuse in Irish institutions during most of the 20th Century, suffered a setback when Justice Mary Laffoy resigned as its chairwoman, declaring that the Commission had been "rendered powerless" by various governmental actions. The Government dropped an alternative system where the Commission would hear only a sample of cases instead of each individual case, following objections by opposition parties and advocacy groups. There remained concern that it could take up to 11 years for the Commission to hear all 1,400 cases of alleged abuse.

In 2002, there were 375 cases of child abuse reported to the Health Authority, but only 122 cases were confirmed. The health authority received approximately \$1.25 million (1 million euros) in 2002 to improve the identification, reporting, assessment, treatment, and management of child abuse.

In 2002, the Dublin Rape Crisis Center reported that 45 percent of calls to its crisis line involved child sexual abuse. The Child Care Act requires government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Child Trafficking and Pornography Act aims to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

#### Persons with Disabilities

There was generally no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. In October, in honor of the European Year for the Disabled, the Equality Authority undertook its most expensive and largest publicity campaign aimed at ensuring awareness of the rights of the disabled to jobs and services. The country's hosting of the Special Olympics World Games also increased awareness of issues facing persons with disabilities.

The Building Regulations Act established minimum criteria to ensure access for persons with disabilities to all public and private buildings constructed or significantly altered after 1992; however, enforcement was uneven and fines minimal.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy; its strategic plan for 2000-03 had three priorities: Developing policies to promote the equal status of persons with disabilities, influencing societal attitudes, and ensuring services for persons with disabilities. The National Standards for Disability Services, which specifies required national standards for all government-funded bodies, was released during the year.

## National/Racial/Ethnic Minorities

Societal discrimination and racial violence against immigrants and ethnic minorities, such as Asians and Africans continued to be a growing problem. Racially motivated incidents involved physical violence, intimidation, and verbal slurs, and the majority of incidents of racist violence took place in public places. In March, three teenagers pled guilty to the 2002 manslaughter of a 29-year-old Chinese student, the country's first reported racially motivated death. Most recorded racial incidents occurred within or near Dublin.

There were 145 Garda around the country who worked with the different ethnic communities. The Garda Racial and Intercultural Office began tracking racially motivated incidents in October 2002, but statistics were not available until 2004. The Garda Racial and Intercultural Office also gave instruction and booklets to Garda to teach them how to interact with those of different racial and ethnic backgrounds.

Approximately 25,000 indigenous nomadic persons regard themselves as a distinct ethnic group called "Travellers," with its own history, culture, and language. Travellers faced societal discrimination and regularly were denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, would not serve them. There was a media report of a Traveller family that lost their caravan in a fire and accepted an offer by the local council to move into a vacant house. However, local residents protested because of a concern that their presence would lower property values and attract more Travellers. The Traveller family did not move into the house because of safety concerns.

Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Traveller students are not separated in classrooms, but it is not uncommon for them to be taken from the classroom to receive additional schooling. Of the estimated 5,000 Traveller families, approximately 1,200 lived on roadsides or on temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

The Employment Equality Act outlaws job discrimination against Travellers; however, a monitoring committee established to oversee reforms to address problems encountered by Travellers was considered ineffectual by the Travelling community.

The Housing (Traveller Accommodation) Act requires local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. However, many Traveller NGOs were dissatisfied with the progress of this legislation and believed that anti-trespassing legislation enacted in 2002 further undermined the Housing Act. The Traveller movement withdrew from the Social Partnership Agreement with the Government because of its continued dissatisfaction. To develop better relations between Travellers and the settled community, the Government agreed to provide a Traveller Mediation Service and \$1.42 million (1.14 million euros) over a 3-year period for awareness programs.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers with the right to join—or refrain from joining—a union, and workers exercised this right in practice.

Approximately 50 percent of workers in the private and public sectors were union members. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare. The Irish Congress of Trade Unions (ICTU) represented 58 unions island-wide, including 48 in the country. The ICTU was independent of the Government and political parties.

The Anti-Discrimination (Pay) Act and the Employment Equality Act make the Equality Authority responsible for the investigation of allegations of anti-union discrimination, which is prohibited under the law. If the authority is unable to obtain resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of anti-union discrimination, including the reinstatement of workers fired for union activities.

Unions may freely form or join federations or confederations and affiliate with international bodies, and many did



so.

b. The Right to Organize and Bargain Collectively

Labor unions have full freedom to organize and to engage in collective bargaining, and unions exercised this right in practice. Most terms and conditions of employment were determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the "social partners," that is, unions, employers, farmers, and the Government. The latest version of these agreements, titled Sustaining Progress, was signed in April.

The Labor Relations Commission provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The law provides for the right to strike, and this right was exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. There were 13 strikes during the year, notably in the health, social work and public administration sectors; the number of days lost to industrial disputes increased sharply from last year: 32,151 in the first 6 months of the year, compared with 13,289 in the same period in 2002. All strikes concluded peacefully, with the unions involved achieving some, if not all, of their goals. The Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforced this provision through the Department of Enterprise, Trade, and Employment.

The export processing zone at Shannon Airport operates under the same labor laws as the rest of the country.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The law sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement was reportedly lax, but violations were rare.

e. Acceptable Conditions of Work

The national minimum wage was, \$8.25 (6.6 euros) per hour, which does not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent and unavoidable risk" without jeopardy to their continued employment.

f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no confirmed reports that persons were trafficked to, from, or within the country; however, NGOs and others offered anecdotal, but unsubstantiated, reports of trafficking.

The Garda National Immigration Bureau and the Department of Justice are the governmental organizations responsible for combating trafficking.

The Child Trafficking and Pornography Act criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Act criminalizes the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing trafficking in women for sexual criminal activities, although laws prohibit the exploitation of prostitutes, and the exploitation of prostitutes by means of coercion or fraud. Traffickers who facilitate for gain the entry of illegal immigrants or asylum seekers are liable for fines or imprisonment for terms ranging from 1 to 10 years.

Dublin Garda raided several lap-dance clubs that were employing illegal female workers, and the Limerick Garda raided a brothel that was bringing prostitutes into the city from Eastern Europe, but the women stated that they had entered the country voluntarily. A man and a woman were convicted for running the brothel: Both were sentenced to 4 months in prison, but the female's sentence was suspended. The press reported that three English language schools were being used as fronts to smuggle Eastern European women into Ireland to have them work as lap dancers and prostitutes, and Garda were investigating this accusation at year's end.

The Ministries of Justice and Foreign Affairs and the GNIB were involved in antitrafficking efforts, and there were links between government officials, NGOs, and other elements of civil society on trafficking issues. A coalition of NGOs that deal in part with trafficking issues met periodically during the year.